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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,401	08/23/2001	Michael G. Lisanke	SOM920010004US1	9934

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EXAMINER	
BADII, BEHRANG	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,401	LISANKE ET AL.	
	Examiner	Art Unit	
	Behrang Badii	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,9,10,14,18,22 and 23* is/are pending in the application.

4a) Of the above claim(s) *22 and 23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5,9,10,14 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *22-23* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Election/Restrictions

Newly submitted claims 22 and 23 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claim 22, drawn to a computer readable medium for ascertaining whether a given device and/or port is capable of recording any part of the encrypted multimedia content at a predetermined quality level and dependent upon the predetermined quality level, blocking multimedia content input devices and/or ports that are connected to an end-user system that can receive multimedia content to prevent use of such multimedia content input devices and/or ports, classified in class 700, subclass 109.

Claim 23, drawn to a computer readable medium including each multimedia content device and/or port, ascertaining a quality of the multimedia content device and/or port; for each multimedia content device and/or port having a quality of at least the predetermined quality, ascertaining whether the multimedia content device and/or port is not open and available for use; blocking each available multimedia content device and/or port having the quality of at least the predetermined quality, to prevent use of such multimedia content input devices and/or ports, classified in class 702, subclass 81.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22 and 23 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

Applicant's arguments with respect to claims 1, 5, 9, 10, 14 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to how one can access information and yet have the information be blocked. Specifically, the applicant claims accessing encrypted multimedia content and blocking all multimedia content input devices and/or ports connected to an end-user system that can receive any part of a multimedia content to prevent use of all such multimedia content input devices and/or ports. While the applicant is accessing information, the applicant is also blocking the access to the information, hence the uncertainty in the interpretation of the claim's limitations.

In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322

(Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear,

correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

DETAILED ACTION

Claims 1, 5, 9, 10, 14 and 18 have been examined. p = paragraph, e.g. p1 = paragraph 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al., U.S. patent application publication 2004/0190857, and further in view of Farwell et al., 5,751,712.

As per claims 1 and 10, Owashi et al. discloses a method/computer readable medium containing programming instructions on an end-user system to prevent an unauthorized recording of multimedia content as a result of rendering of at least part of the multimedia content, the method comprising:

Accessing encrypted multimedia content (accessing information) (p14, 52 and 57)

an end-user-system that can receive at least a part of a multimedia content (p57, claim 3, abstract, fig's. 1 & 2);

decrypting at least part of the encrypted multimedia content (p14, 52 and 57); and

rendering the at least part of the encrypted multimedia content (p14, 52 and 57). Owashi et al. does not disclose blocking all multimedia content input devices and/or ports connected to an end user system. Farwell et al. discloses blocking all multimedia content input devices and/or ports connected to an end user system (col. 2 and 4-7). It would have been obvious to modify Owashi et al. to include blocking all multimedia content input devices and/or ports connected to an end user system such as that taught by Farwell et al. in order to have the dominance of traffic of a particular media type, which may be relatively unimportant in the service, not cause blocking of traffic of other media types, which may be relatively important (abstract) and have control over the devices in the transaction.

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al., U.S. patent application publication 2004/0190857, and further in view of Baugh et al., 5,815,553.

As per claims 5 and 14 Owashi et al. discloses a method/computer readable medium containing programming instructions on an end-user system to prevent an unauthorized recording of multimedia content as a result of rendering at least part of the multimedia content as described above. Owashi et al. does not disclose completing the rendering of the at least a part of the multimedia content; closing all waveout devices and/or ports that were used for rendering; and closing all wavein devices and/or ports that were opened during rendering. Baugh et al. discloses completing the rendering of

the at least a part of the multimedia content; closing all waveout devices and/or ports that were used for rendering; and closing all wavein devices and/or ports that were opened during rendering (col.6, 35-50; col.7, 1-7, 18-30). It would have been obvious to modify Owashi et al. to include completing the rendering of the at least a part of the multimedia content; closing all waveout devices and/or ports that were used for rendering; and closing all wavein devices and/or ports that were opened during rendering such as that taught by Baugh et al. in order to have the capability to close and open the devices at times such as the beginning, middle or end of recording to protect the data being recorded.

Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al., U.S. patent application publication 2004/0190857 as applied to claims 1 and 10 above, and further in view of Silverbrook et al, U.S. patent application publication 2005/0218236.

As per claims 9 and 18, Owashi et al. discloses a method/computer readable medium containing programming instructions on an end-user-system to prevent an unauthorized recording of multimedia content as a result of rendering of at least part of the multimedia content as discussed above. Owashi et al. does not disclose a storage medium selected from a group of storage mediums consisting of disk drive, cassette tape; CD, DVD, diskette drive, network storage, Zip Drive, Compact Flash, Smart Flash and minidisk. Silverbrook et al. discloses a storage medium selected from a group of storage mediums consisting of disk drive, cassette tape; CD, DVD, diskette drive, network storage, Zip Drive, Compact Flash, Smart Flash and minidisk (p11, 12, 318,

1957 & 2264). It would have been obvious to modify Owashi et al. to include a storage medium selected from a group of storage mediums consisting of disk drive, cassette tape; CD, DVD, diskette drive, network storage, Zip Drive, Compact Flash, Smart Flash and minidisk such as that taught by Silverbrook et al. in order to have the system be interactive and be above to interact with several different forms of storage models.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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or faxed to (571)273-8300

Hand delivered responses should be brought to

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(571) 272-3600**.

Behrang Badii
Patent Examiner
Art Unit 3621

BB

PRIMARY EXAMINER